



राजपत्र, हिमाचल प्रदेश

(प्रसाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शुक्रवार, १४ मार्च, १९७५/२३ फाल्गुन, १८९६

GOVERNMENT OF HIMACHAL PRADESH

WELFARE DEPARTMENT

NOTIFICATION

Simla-171002, the 14th January, 1975

No. 5-8/71-LWP (Wel).—In exercise of the powers conferred by section 24 of the Himachal Pradesh Habitual Offenders Act, 1969 (8 of 1970) the Government of Himachal Pradesh, hereby make the following rules, namely:—

1. (1) These rules may be called the Himachal Pradesh Habitual Offenders Rules, 1974.

Short title.
and com-
mencement

(2) They shall come into force at once.

2. In these rules, unless there is anything repugnant in the subject or context,—

Defination

(a) "Act" means the Himachal Pradesh Habitual Offenders Act, 1969 (Act No. 8 of 1970);

(b) "Authorised Officer" means any officer authorised by the State Government under section 16;

(c) "form" means a form appended to these rules;

- (d) "order of restriction of movements" means an order made under section 11 requiring a person to restrict his movements to any areas;
- (e) "order of restriction of report" means an order made under sub-section (2) of section 7 requiring a person to report himself to the authority specified therein;
- (f) "Director of Welfare", "Deputy Director of Welfare" or "Assistant Director of Welfare" means an officer appointed as such by the State Government for the settlement;
- (g) "restricted person" means a registered offender in respect of whom an order of restriction has been made;
- (h) "section" means a section of the Act;
- (i) "settler" means a registered offender or a habitual offender ordered by the State Government, the Court or Magistrate under section 15, to be placed in a corrective settlement;
- (j) "Superintendent" means a Superintendent of a corrective settlement;
- (k) words and expressions used but not defined in these rules shall have the meanings assigned to them in the Act.

Register of
Habitual
Offenders.

3. The register of habitual offenders for each district shall be maintained in Form 1. The habitual offenders who are registered in a district shall be assigned serial numbers with the name of the district in abbreviation (similar to those used for the registration of motor vehicles) to denote the district of registration. In the case of a registered habitual offender, in respect of whom the District Magistrate has issued a direction under sub-section (1) of section 8 changing his place of residence to a district other than that in which the offender is registered he shall be allotted a new serial number but a reference shall also be made in the new register about his previous number. For example, if he was a previous habitual offender of Simla district and was allotted serial number SML/20 and serial number MSU/50 on his permanent transfer to Mahasu district, his number in Mahasu district shall be shown as SML-20/MSU-50.

Notice under
section
4.

4. A notice under section 4 shall be served in Form 2 in the manner prescribed under rule 28 by the District Magistrate or any officer working under his control and appointed by him for the purpose of the said section 4.

Mode of
enquiry under
section
4.

5. (1) The District Magistrate shall himself hold an enquiry or order it to be held by a Magistrate not below the rank of 1st Class in the district deputed by him in this behalf.

(2) The enquiry shall be made, as nearly as may be practicable in the manner prescribed for conducting trials and recording evidence in summons cases as laid down in the Code of Criminal Procedure, 1973 (Act 2 of 1974) and for the time being in force. For the purpose of the enquiry the Magistrate shall take all such evidence as may be produced by the Superintendent of Police of the district concerned or his representative duly authorised by him in this behalf, and all such evidence the habitual offender may produce in his defence in this behalf. For the same purpose the Magistrate may take at any stage of the enquiry, any other evidence he deems necessary:

Provided that if the Magistrate is satisfied that the habitual offender is wilfully avoiding service or wilfully neglects to attend at the appointed place at the appointed time for the enquiry, the Magistrate may proceed to hear and determine the enquiry *ex parte*.

(3) After the Magistrate has recorded all such evidence he shall submit to the District Magistrate, as soon as may be, the record of enquiry, along with his report as to the necessity or otherwise of the making of an order by the District Magistrate under section 4.

(4) Before passing any order, under section 4 the District Magistrate may, if not satisfied with the proceedings of the report in connection with the enquiry, send back the records to the Magistrate who conducted the enquiry in the first instance or to any other Magistrate of the 1st class for holding further enquiry in accordance with this rule. The Magistrate shall, after doing the needful, submit the record and his report in the manner laid down hereinbefore for the orders of the District Magistrate under section 4.

(5) (i) All evidence in the enquiry shall, subject to the provisions of sub-rule (2), be taken in the presence of the habitual offender or when his personal attendance is dispensed with, in the presence of his pleader, and shall be recorded in the manner prescribed in the case of summons cases, as laid down in Chapter XXIII of the Code of Criminal Procedure, 1973.

(ii) The District Magistrate may, before passing orders under the said section 4, set aside the *ex-parte* proceedings of the enquiry and the Magistrate's report thereon for good cause shown on application, made to him (the District Magistrate) within seven days of the Magistrate's said report and direct a fresh enquiry to be made in the manner prescribed in this rule.

6. (1) The finger prints, photographs and foot-prints of the habitual offender ordered to be registered under the Act shall be prepared in Form 3 in triplicate. One copy of it will be sent to the Police Station concerned, second to the Finger Print Bureau, Phillaur, and the third will be kept at the District Police Office along with the history sheet (Form 4) of the habitual offender concerned.

Preparation of the record of habitual offender.

(2) A history sheet of each habitual offender shall be prepared in Form 4 in duplicate. One copy of the history sheet will be kept at the District Police Office and the other at the Police Station concerned.

(3) The Presiding Officer of a court trying a person known to be a registered habitual offender under the Himachal Pradesh Habitual Offenders Act, 1968, for a criminal offence, shall communicate the result of the proceedings to the District Magistrate of the district in which the offender is known to be registered.

(4) It shall be the duty of the officer-in-charge of the Police Station/Police Post arresting a registered offender or suspecting a registered offender of a criminal offence, to immediately communicate the synopsis of the action taken together with a brief summary of the facts of the case to the Superintendent of Police of the district in which the offender is known to be registered.

(5) The information supplied to the District Magistrate or the Superintendent of Police, as the case may be, in accordance with the provisions of sub-rules (3) and (4) shall be caused to be recorded in the register in Form 1 and in the history sheet of the offender maintained in Form 4.

7. If the Superintendent of Police considers that any registered habitual offender should be placed under the restrictions contemplated under section 7, he shall submit his proposals in Form 5 to the District Magistrate.

Submission of recommendation for action under section 7 of the Act.

Mode of
enquiry for
action un-
der section
7.

8. (1) On receipt of the recommendations under rule 7 the District Magistrate shall himself hold an enquiry or order it to be held by a Magistrate not below the rank of 1st class in the district deputed by him in this behalf.

(2) The District Magistrate or the Magistrate deputed under sub-rule (1) shall issue a notice in Form 6 to the registered person requiring him to appear at a specified place and at a specified time for the purpose of enquiry. The registered person will continue so to attend for the purpose of the enquiry until otherwise directed by the District Magistrate or the Magistrate, as the case may be.

(3) The enquiry shall be made, as nearly as may be practicable in the manner prescribed for conducting trials and recording evidence in summons cases as laid down in the Code of Criminal Procedure, 1973, amended up to the date and for the time being in force. For the purpose of the enquiry the District Magistrate/Magistrate shall take all such evidence, as may be produced by the Superintendent of Police of the district concerned or his representative duly authorised by him in this behalf, and all such evidence the registered person may produce in his defence in this behalf. For the same purpose the District Magistrate/Magistrate may take at any stage of the enquiry, any other evidence he deems necessary: Act of 1

Provided that if the District Magistrate or the Magistrate is satisfied that the registered person is wilfully avoiding service or wilfully neglecting to attend at the appointed place at the appointed time for the enquiry, the District Magistrate or the Magistrate may proceed to hear and determine the enquiry *ex-parte*.

(4) After the Magistrate has recorded all such evidence he shall submit to the District Magistrate, as soon as may be, the record of the enquiry, along with his report as to the necessity or otherwise of the making of an order by the District Magistrate under section 7.

(5) Before passing any order, under section 7 the District Magistrate may, if not satisfied with the proceedings of the report in connection with the enquiry, send back the records to the Magistrate who conducted the enquiry in the first instance or to any other Magistrate of the 1st class for holding further enquiry in accordance with this rules. The Magistrate shall, after doing the needful submit the record and his report in the manner laid down hereinbefore for the orders of the District Magistrate under section 7.

(6) (i) All evidence in the enquiry shall, subject to the provisions of sub-rule (3), be taken in the presence of the registered person, or when his personal attendance is dispensed with, in the presence of his pleader, and shall be recorded in the manner prescribed in the case of summons cases, as laid down in Chapter XXIII of the Code of Criminal Procedure, 1973

(ii) The District Magistrate may, before passing orders under the said section 7, set aside the *ex-parte* proceedings of the enquiry and the Magistrate's report thereon for good cause shown on application, made to him (the District Magistrate) within seven days of the Magistrate's said report and direct a fresh enquiry to be made in the manner prescribed in this rule. Act 2 of 1

Issue of or-
ders under
section 7
(1).

9. (1) If after going through the record of the proceedings and the report of the Magistrate received under rule 8, the District Magistrate is satisfied that an order under section 7 should be issued, he shall issue an order to this effect in Form 7,

(2) The order in Form 7 shall also specify the authority to whom the registered habitual offender will—

- (a) report himself at interval fixed by the District Magistrate; and
- (b) notify his place of residence and any change or intended change of residence or any absence or intended absence from his residence:

Provided that if the offender is a female, she may, if she so desires, cause the required report to be made by any male relative. She shall not, however, hereby be exempted from penalty, to which she may be liable if such report is proved to be not true:

Provided further that if such offender resides outside the radius of 3 kilometres from the place appointed by the District Magistrate, he shall report himself to such person as the District Superintendent of Police may direct.

(3) A copy of the order issued under sub-rule (1) shall be served on the registered habitual offender concerned through the incharge of the Police Station/Police Post concerned. The acknowledgement of the registered habitual offender shall be attached with the history sheet (Form 4) maintained at the Police Station. An intimation to this effect will be sent by the officer-in-charge of the Police Station/Police Post to the District Police Officer concerned where it will be attached to the history sheet of the habitual offender concerned.

10. (1) Every registered offender shall notify any change or intended change of his ordinary residence permanently by reporting in person to the officer-in-charge of the Police Station/Police Post within whose jurisdiction he is residing. When making the report for change of residence he shall notify the location of his intended new residence and the day on which he proposes to move to such residence.

Change of
Permanent
address by
Registered
Offenders.

(2) The period of notice of the intended change shall be as follows, that is to say, if the new residence is—

- (a) within the same police station .. 3 days
- (b) outside the police station but in the same district .. 7 days
- (c) in another district in Himachal Pradesh .. 10 days.

If for any reason such member subsequently changes his intention to take up his residence at a place and on the date specified in the notice, he shall at once inform the officer-in-charge of the Police Station/Police Post.

(3) When a registered offender who intends to change his residence, presents himself to the officer-in-charge of the Police Station/Police Post in order to notify the intended change that officer shall fill up in quadruplicate departure report in Form 8, and shall have it signed or thumb marked by the said registered offender. One copy shall be made over to the said registered offender, who shall personally present it for endorsement to the Police Station/Police Post within the limits of which Police Station/Police Post he intends to reside. The second copy with a copy of register in Form 1 of the registered offender concerned, shall be sent by post to the officer-in-charge of the Police Station/Police Post concerned who shall after noting on it the date on which person to whom it relates reports his presence, return it to the officer, who issued it. The third copy will be sent to the Superintendent of Police of the original district for necessary action. If the registered offender changes his residence to another district, the Superintendent of Police shall inform the district authorities of the district concerned. The fourth copy shall be retained by the issuing authority as record for reference.

Should the registered offender change the date of his departure, he shall appear before the officer-in-charge of the Police Station/Police Post and have the necessary alteration made in Form 8.

(4) Every registered habitual offender who changes his residence shall within 48 hours unless prevented by unavoidable circumstances on arrival at his new place of residence, report himself to the officer-in-charge of the Police Station/Police Post within the limits of which he has arrived.

(5) If a registered offender changes his residence to another district, the Superintendent of Police of that district on receipt of an intimation from the Superintendent of Police of the district to which the habitual offender originally belonged, shall submit the papers to the District Magistrate for nomination of the officer to whom, and fixing the intervals at which, the habitual offender concerned should report himself.

Submission of recommendations with regard to restrict habitual offenders under section 11.

11. If the Superintendent of Police considers that the movements of a registered habitual offender should be restricted under section 11, he shall submit proposals to the District Magistrate in Form 9.

Mode of enquiry under section 11.

12. (1) On receipt of the recommendations under rule 11 the District Magistrate shall himself hold an enquiry or order it to be held by a Magistrate not below the rank of 1st class in the district deputed by him in this behalf.

(2) The Magistrate thus deputed shall issue a notice in Form 10 to the registered person requiring him to appear at a specified place and at a specified time for the purpose of enquiry. The registered person will continue so to attend for the purpose of the enquiry until otherwise directed by the Magistrate.

(3) The enquiry shall be made, as nearly as may be practicable in the manner prescribed for conducting trials and recording evidence in summons cases as laid down in the Code of Criminal Procedure, 1973 and for the time being in force. For the purposes of the enquiry, the Magistrate shall take all such evidence as may be produced by the Superintendent of Police or his representative duly authorised by him in this behalf and all such evidence the registered person may produce in his defence in this behalf. The Magistrate may also take, at any stage of the enquiry, any evidence he deems necessary or relevant for the purpose of satisfying himself as to the necessity for action under section 11 against the said registered person, having due regard also to the provisions of section 11 (2):

Act 2 of 1974.

Provided that if the Magistrate is satisfied that the registered person is wilfully avoiding service or wilfully neglects to attend at the appointed place or at the appointed time for the enquiry, the Magistrate may proceed to hear and determine the enquiry *ex-parte*.

(4) After completing the enquiry, the Magistrate shall, as soon as may be, submit to the District Magistrate a detailed report, along with the record of the enquiry, concerning the matters mentioned in section 11 (2) of the Act and advising the necessity or otherwise of action under section 11 (1).

(5) Before sending the report and enquiry held by the Magistrate along with his comments under sub-rule (6) below, the District Magistrate may, if he finds the proceedings of the enquiry or the report of the Magistrate defective or unsatisfactory, send back the records to the same Magistrate or to any other Magistrate competent for holding a further enquiry in accordance with this rule. The Magistrate shall, after doing the needful, submit the record and his report in the manner laid hereinbefore.

(6) The District Magistrate shall forward to the Government the record of enquiry and the Magistrate's report, along with his own comments as to the necessity of action under the said section 11 having due regard also to the provisions of sub-section (2) of the said section 11.

(7) Before taking any action under section 11 (1), the Government may, if not satisfied with any of the said reports or the proceedings of the said enquiry, send back the records of the enquiry to the District Magistrate for a further or fresh enquiry in accordance with its directions.

(8) (i) All the evidence in the enquiry shall, subject to the provisions of sub-rule, (3), be taken in the presence of the registered person, or when his personal attendance is dispensed with, in the presence of his pleader and shall be recorded in the manner prescribed in the case of summons cases, as laid down in Chapter XXIII of the said Code of Criminal Procedure, 1973

(ii) The District Magistrate may, before making his report to Government under sub-rule (6), set aside the *ex-parte* proceedings of enquiry by the Magistrate and his report thereon for good cause shown on application made to him (the District Magistrate) within seven days of the Magistrate's said report, and direct that a fresh enquiry be made in the manner prescribed in this rule. Any Police Officer not below the rank of Sub-Inspector may, at any time, hold a special roll call of all restricted persons residing within his jurisdiction and it shall be the duty of each such person to attend and answer to his name when the roll call is held.

13. (1) The officer-in-charge of the Police Station/Police Post within the limits of which habitual offender in respect of whom orders under section 11 have issued, resides, or officer-in-charge of a Settlement in which such habitual offender resides, may grant to any such habitual offender a Pass in Form 11 authorising him to leave the area to which his movements have been restricted or the Settlement in which he is placed, for one day between the hours of sunrise and sunset.

Leave of absence to habitual offenders restricted under section 11.

(2) The officer-in-charge of a Police Station/Police Post within the limits of which a habitual offender in respect of whom orders under section 11 have been issued resides may, on due cause being shown and subject to the previous verification of the necessity, if possible, grant such habitual offender leave of absence for a period not exceeding 15 days and issue him a Pass in Form 12.

(3) Leave to the habitual offenders residing in Settlements, for a period not exceeding 15 days may, on due cause being shown and subject to previous verification of the necessity, be granted by the officer-in-charge.

(4) If a habitual offender whose movements have been restricted under section 11 requires leave for a period longer than 15 days, he should apply through the officer-in-charge of the Police Station/Police Post or settlement within the limits of which he resides, to the Superintendent of Police or the Director of Welfare, who may grant such leave of absence, as may appear

to him reasonable, after necessary verification of the necessity, and may issue a Pass in Form 12:

Provided that the Superintendent of the Settlement may, in special cases, grant leave up to 30 days to a habitual offender restricted in the settlement prior to verification and in anticipation of the sanction of the Director of Welfare which shall be obtained as soon as possible after the grant of leave.

(5) Any pass granted under this rule shall be drawn up in triplicate and each part be signed by the officer granting leave. One part shall be retained by such officer, the second shall be given to the restricted person to whom leave has been granted and the third shall be sent to the officer-in-charge of the Police Station/Police Post of within the limits of which the destination of the holder of the pass lies.

Conditions attached to leave obtained under rule 13.

14. (1) A restricted person who obtains leave of absence under rule 13 shall travel to his destination and return to his residence by the route specified in the pass. He shall have the time and date of his arrival endorsed on the pass by the officer-in-charge of the Police Station/Police Post of the destination.

(2) During the time such person is on leave he shall report himself every evening to the officer-in-charge of the Police Station/Police Post within whose jurisdiction he happens to be and while at destination he shall report himself to Police Station/Police Post and produce his pass for endorsement.

(3) Such person shall not over stay the period of leave.

(4) During the period of residence at his destination such person shall not be absent from his residence at any time between sunset and sunrise or go beyond the limit of 8 kilometres from his residence during day time.

(5) Before returning to the permanent place of his residence such person shall have the time and date of departure endorsed on the pass by the officer-in-charge of the Police Station/Police Post and on his arrival at his residence he shall deliver the pass to the officer through whom he received it. Such pass, if issued by the Superintendent of Police or the Director of Welfare, shall be forwarded to him by the officer receiving it.

Procedure to be adopted by the habitual offender on leave who is unable to return to his residence-

15. If any habitual offender who has been granted a pass under rule 13, for any genuine reason such as illness is unable to return to his residence within the period of his leave, he shall, unless he is precluded from doing so by illness or for any sufficient cause when the requisite information may be sent through the chaukidar of the village in which he is staying at the time, immediately go to the nearest Police Station/Police Post to intimate this fact. The officer-in-charge of the Police Station/Police Post shall verify the reasons of his absence and send a report to the officer who issued the pass.

Cancellation of pass.

16. A pass granted under rule 13 may, at any time, be withdrawn, by the authority granting it and the leave granted shall thereby be cancelled.

Report by the restricted person on leave.

17. (1) A habitual offender who has been issued a pass under rule 13 shall, at every place of halts for the night, notify to the officer-in-charge of the Police Station/Police Post his arrival at and departure from that place as also the place to which he next intends to proceed and halt for the night.

(2) On arrival at his destination such offender shall report himself to the officer-in-charge of the Police Station/Police Post concerned.

18. When a registered offender in respect of whom an order of restriction of report has been made fails to report himself as specified in the order it shall be competent for the officer-in-charge of the Police Station/Police Post within the jurisdiction of which such offender is residing to pay a domiciliary visit by day or night to verify the presence of the registered offender in his place of residence. It shall then be the duty of such offender, if he is present, to appear personally before the such officer, or in the case of physical unfitness to appear otherwise, to satisfy such officer of his presence.

Inspection of Residences.

Note.—The provisions of this rule do not authorise the officer paying a visit to enter the residence of any registered offender.

19. The area to which the movements of registered offender in respect of whom an order of restriction of movement has been made shall, unless otherwise directed by the order, be—

Area of restriction.

- (a) if the place of his residence is in the town the area of the Police Station/Post in whose jurisdiction he resides, from 9 P.M. to 5 A.M.;
- (b) if the place of residence is in a village, the limits of the village from 9 P.M. to 5 A.M. and the limits of the Police Station/Police Post from 5 A.M. to 9 P.M.

20. A registered offender in respect of whom an order of restriction of movement has been made shall not leave or be absent from the limits of the area to which his movements have been restricted without having obtained a pass in the manner prescribed hereinbefore:

Short absence of habitual offender from area of restriction.

Provided that where the area of restriction is smaller than the area of the Police Station/Police Post within which it is situated nothing contained in this rule shall be deemed to render it illegal for the restricted person to quit the limits of that area for the purpose of appearing at the Police Station/Police Post within the limits of which he is residing or before any court in obedience to any process of the court or before any court having jurisdiction to complain of an offence affecting himself or his family or to apply for a pass under these rules:

Provided further that such person shall before leaving the area give notice to the Lambardar of his village or the officer-in-charge of the Police Station/Police Post and shall proceed straight to the Police Station/Police Post or the court, as the case may be.

21. The Officer-in-charge of the Police Station/Police Post concerned may issue to the restricted person a permanent pass in Form 13 specifying the days and the hours during which such person may visit the nearest Bazar or market place outside the area to which his movements have been restricted, for making purchases or sales.

Permission to visit nearest market by the restricted person.

22. (1) Exemption from reporting at interval and from taking passes for leave of absence may be granted to any restricted person by the Superintendent of Police, or the District Magistrate or the Director of Welfare, if the habitual offender is residing in a settlement, if he is satisfied on enquiry that such person has shown a marked improvement and given unmistakable evidence of good conduct and sustained industry in earning his livelihood and has not been reasonably suspected of committing a non-bailable offence.

Exemption from reporting.

(2) The case of every restricted person shall be reviewed by the Superintendent of Police or the District Magistrate or the Director of Welfare of such exemption after a year from the date of the order of restriction and every six months thereafter.

Certificate of identity to be granted to restricted Persons.

23. Every restricted person who has been exempted in accordance with the provision of rule 22 shall be granted by the Superintendent of Police or the Director of Welfare, if the restricted person has been residing in a Settlement, a certificate of identity in Form 14 specifying the nature of exemption.

Identification roll to be given to the habitual offender.

24. (1) Every registered habitual offender shall be supplied with an 'identification roll' in Form 15 to which shall be attached a copy of the rules and order to be obeyed by him.

(2) An acknowledgement for the receipt of the 'Identification Roll' duly attested by the delivering officer shall be attached to the history sheet of the registered habitual offender, maintained at the Police Station.

(3) Every registered habitual offender shall present his 'Identification Roll' for examination or inspection when required by any Police Officer or Magistrate or any other person authorised in this behalf.

(4) Every registered habitual offender shall report immediately at the Police Station/Police Post within the jurisdiction of which he is residing, the loss or damage to his identification roll and the circumstances under which it was lost or damaged. On receipt of such report from the registered habitual offender, the officer-in-charge of the Police Station/Police Post shall prepare and issue a fresh 'Identification Roll' marked 'Duplicate' in Form 15, obtain the acknowledgement of habitual offender and attach the same to the history sheet.

Before issue of the duplicate 'Identification Roll' the officer-in-charge of the Police Station/Police Post shall make such enquiries as are practicable about the loss or damage to the 'Identification Roll' and forward the same with the note ordering the issue of the duplicate copy to the Superintendent of Police for being placed with the history sheet, maintained in his office.

(5) If a registered habitual offender is arrested or convicted, the 'Identification Roll' shall be treated as his personal property and dealt with as such.

Transfer of habitual offenders within the district.

25. If on receipt of an application from a habitual offender in respect of whom orders under section 11 or 12 have been issued, the Superintendent of Police considers that his movements should be restricted to another area within the district, he shall request the District Magistrate in Form 16 to issue an order restricting the movements of such habitual offender to another area.

On receipt of such report from the Superintendent of Police the District Magistrate may, after taking into consideration the facts referred to in sub-section (2) of section 11, issue an order restricting the movements of the habitual offender to such new area.

Transfer of habitual offender from one district to another.

26. If on receipt of an application from a habitual offender in respect of whom orders have been issued under section 11 or 12, the Superintendent of Police considers that his transfer to another district is desirable, he shall request the Government through the District Magistrate in Form 16 to order such transfer.

Government after consulting the District authorities of the District to which it is proposed to transfer the habitual offender, shall issue necessary orders in this behalf.

27. Any habitual offender aggrieved by the registration or re-registration of his name under section 4, or as the case may be, under section 9 or by an order under sub-section (2) of section 7, may within thirty days make a representation to the Commissioner against such registration or re-registration or order.

Representa-
tion under
section 10.

28. The notices prescribed under the Act and these Rules shall be served—

Services of
notices[sec-
tion 24 (2)
(m)].

- (1) If the place of residence of the person on whom it is to be served is known, personally, in the manner prescribed under section 62 of the Code of Criminal Procedure, 1973, for the service of summons.
- (2) When personal service of the notice is not possible, the notice shall be published by—
 - (a) pasting a copy of such notice—
 - (i) in a conspicuous place in the house or in the village or town in which it is known or believed, that the person concerned, was last residing;
 - (ii) in every Police Station/Police Post within the local limit of which any village or town is situated;
 - (b) by serving a copy of such notice on the headman of such village or town who shall thereupon cause it to be proclaimed in the village or town by word of mouth by the village watchman of his village or town;
 - (c) when the town in question has no watchman, such notice shall be served on the principal Police Officer in such town who shall cause it to be proclaimed in the like manner by a police officer subordinate to him.
- (3) If a person on whom the notice referred to in sub-rule (1) is served, fails to show cause by appearing in person or through an authorised agent or by filing a written statement, within the time specified in the notice, it shall be presumed that he has no representation to make, against the proposed action.

29. The general control of all Settlements shall vest in the Director of Welfare who may be assisted by the Deputy Director of Welfare and one or more Assistant Directors of Welfare.

General con-
trol of settl-
ments.

30. Every Settlement shall be under the supervision of a Superintendent who shall be responsible for the enforcement of these rules, for the internal administration of the Settlements and the general welfare of the settlers.

Officer-in-
charge of a
settlement.

31. The Director of Welfare or the Deputy Director of Welfare and the Assistant Director of Welfare nominated by the Director of Welfare shall be responsible to visit the settlements under their control once every six months and conduct inspection.

Visits to
settlements.

32. (1) The Superintendent of Police shall report to the District Magistrate the cases of registered offenders who, in his opinion, should be placed in a Settlement established under section 14, together with grounds for such action.

Commitment to settle-
ment.

(2) On receipt of a report from the Superintendent of Police or *suo moto*, the District Magistrate or a Magistrate of a 1st class deputed by him shall hold an enquiry in the manner hereinafter appearing.

(3) The District Magistrate or the Magistrate shall issue notice in Form 10 to the registered person requiring him to appear at a specified place and at a specified time for the purpose of the enquiry. The registered person will continue so to attend for the purpose of the enquiry until otherwise directed by the Magistrate.

(4) The enquiry shall be made, as nearly as may be practicable, in the manner prescribed for conducting trials and recording evidence in summons cases as laid down in the Code of Criminal Procedure, 1973 amended up-to-date and for the time being in force. For the purpose of the enquiry the District Magistrate or the Magistrate 1st class shall take all such evidence as may be produced by the Superintendent of Police concerned or his representative, duly authorised by him in this behalf, and all such evidence the registered person may produce in his defence in this behalf. The Magistrate may also take at any stage of the enquiry, any evidence he deems necessary or relevant for the purpose of satisfying himself as to the necessity for action against the registered person under section 15 of the Act:

Act 2 of 1974

Provided that if the Magistrate is satisfied that the registered person is wilfully avoiding service or wilfully neglects to attend at the appointed time for the enquiry, the Magistrate may proceed to hear and determine the enquiry *ex-parte*.

(5) After completing the enquiry, the Magistrate shall, as soon as may be, submit to the District Magistrate a detailed report, along with the record of enquiry and advising the necessity or otherwise of action under section 15 of the Act.

(6) Before sending the report and enquiry held by the Magistrate along with his comments under sub-rule (7) below, the District Magistrate may, if he finds the proceedings of the enquiry or the report of the Magistrate defective or unsatisfactory, send back the records to the Magistrate for holding a further enquiry in accordance with his directions. The Magistrate shall after doing the needful, submit the record and his report in the manner laid down hereinbefore.

(7) The District Magistrate shall forward to the Government the report of enquiry and the Magistrate's report along with his own comments as to the necessity for action under the said section 15.

(8) Before taking any action under section 15 (1) of the Act, the Government may, if not satisfied with any of the said reports or the proceedings of the said enquiry, send back the records of the enquiry to the District Magistrate for a further or fresh enquiry in accordance with its directions.

(9) (i) All the evidence in the enquiry shall subject to the provisions of sub-rule (4) be taken in the presence of the registered person, or when his personal attendance is dispensed with, in the presence of his pleaders, and shall be recorded in the manner prescribed in the case of summons cases, as laid down in Chapter XXIII of the said Code of Criminal Procedure, 1973

Act 2 of 1974

(ii) The District Magistrate, may before making the report to Government under sub-rule (7) set aside the *ex-parte* proceedings of the enquiry by the Magistrate and his report thereon for good cause shown on application made to him (the District Magistrate) within seven days of the Magis-

magistrate's said report, and direct a fresh enquiry to be made in the manner prescribed in this rule.

(10) When a registered person is ordered by Government to be committed to a settlement established under section 14, he shall be sent to such settlement in police custody.

33. (1) Separate section shall be provided in every settlement for the following types of settlers:—

- (i) for single male settler;
- (ii) for single female settler; and
- (iii) for settlers belonging to the same family.

Segregation of Single Males, Single Females and Families within the Settlements.

Separate Settlements shall also be provided on the basis of types and intensity of criminal behaviours.

(2) Settlers of one type shall not be allowed to visit another type or section of the same Settlement nor settler of one Settlement shall be allowed to visit another Settlement.

34. The Superintendent or any member of staff of the Settlement authorised in this behalf by the Director of Welfare necessary may research any settler on admission and subsequently whenever necessary and inspect his personal effects and his residence. Any article forbidden such as liquor, opium, ganja and also articles which are used as weapons of offence or any property suspected to be stolen, found with the settler shall be attached. After attachment an inquiry shall be held by the Superintendent who shall record the statement of the person from whom the article was attached as to his possession. The Superintendent may then dispose of the property according to law.

Inspection of Residence.

35. Every settler shall, unless he is by old age, physical infirmity or illness unfit for manual labour be employed on some kind of labour, industry or work suited to his physical condition as may be approved for each Settlement by the Director of Welfare.

Employment in Settlement compulsory.

36. The Superintendent-in-charge of a Settlement shall satisfy himself that every settler residing in the Settlement is provided with sufficient means of subsistence and he shall report forthwith to the Director of Welfare if there is any difficulty in this respect.

Responsibility of the Superintendent regarding Employment.

37. (1) In a Corrective Settlement every settler shall be paid during the period of his apprenticeship of 200 days from the date of his admission subsidy amount sufficient for his maintenance or diet according to scale, and taught some trade provided in the Settlement.

(2) The Director of Welfare may in respect of any settler increase the apprenticeship upto 300 days.

(3) On the expiry of the apprenticeship period the settler shall be given work, as far as possible, on the contract system of payment by piece work, the worker being paid at least 3/4th of the estimated value of the work done by him.

(4) Notwithstanding anything contained in this rule the superintendent may either during the apprenticeship period, or thereafter, employ, any settler on any remunerative job with which the settler is familiar to, such as mill work or work under private contractor.

- Investment of saving.** 38. When a settler earns in a Settlement more money, than is necessary for his maintenance, the Superintendent may deposit the surplus, from time to time, in Savings Bank account opened in the name of such settler. When an account of this nature has been opened, the pass book shall be made over to the depositor who shall produce it whenever called upon by the departmental officer for inspection or for the purposes of making further deposits.
- Method of payment.** 39. In all Settlements, the inmates will be paid wages, according to the scale fixed by the Government from time to time, if employed in the factory attached to the Settlement, unless employed on contract system, approved by the Government. If the habitual offender is employed outside, he shall get wages according to the skill, subject to the approval of the Superintendent.
- Supply of Bedding & clothings.** 40. Every settler shall be provided at Government cost a set of clothing and bedding once only on admission according to the scale as per appendix. At the discretion of the Government in the Department of Welfare a settler may be supplied clothing and bedding a second time if the settler is unable to purchase on account of his physical and mental disability:
Provided that the scale of clothing and bedding as prescribed under this rule may be changed by the Government in the Department of Welfare after having taken into consideration the seasonal, climatic and geographical factors of the area, where the Corrective Settlements are situated.
- Absence of a Settler from the Settlement.** 41. Unless exempted under sub-rule (3) of rule 42 no settler shall leave the limits of the Settlement without a pass. The limits of the Settlement shall be such as may be specified by the Director of Welfare.
- Issue of a Pass for Absence from the Settlement.** 42. (1) A pass in Form 17 permitting the settler to proceed to any place in the State may be granted by the Superintendent for a period not exceeding two months, subject to such restrictions as may be imposed by the Director of Welfare.
(2) A pass to proceed to any place for any specific period may be granted to any settler by the Director of Welfare.
(3) The Director of Welfare may in special circumstances exempt any settler from taking a pass for proceeding to any place.
- Duty of the Settler to notify his arrival.** 43. A settler using pass granted under rule 42 shall notify his arrival immediately to the authority specified in the pass in the village, town or Settlement at which he has arrived and shall thereafter report himself at such times and places as shall have been specified in the pass.
- Roll Call in a Settlement.** 44. In all Settlements established under section 14, roll call of all habitual offenders settled therein shall be taken both in the morning and evening by the Superintendent of the Settlement, who shall immediately report any unauthorised absence to the officer-in-charge of the Police Station within the limits of which the Settlement lies.
- Number of Cattle which may be kept in Corrective Settlement.** 45. The Director of Welfare may decide what domestic animal may be kept by any settler in the Settlement and issue order to ensure that they are kept under proper control and sanitary condition. The animals of any settler who disregards the order may be sold and the proceeds given to the owner.

46. A settler shall not—

- (a) refuse to perform any suitable work provided for him nor shall he engage in any work prohibited by the Superintendent;
- (b) commit any act of indecency;
- (c) refuse to obey any order issued by the Superintendent to ensure proper sanitation of the Settlement;
- (d) without a permit partake of or possess liquor, opium, ganja or other intoxicant;
- (e) misbehave or cause any disturbance by the violent conduct of quarrelling;
- (f) gamble or bet;
- (g) join any trade union or political organisation;
- (h) beg;
- (i) resist or refuse to obey any lawful order issued by the Superintendent or refuse to give a true account of his movements;
- (j) without a permit from the Superintendent mortgage or sell moveable property exceeding Rs. 5 in value;
- (k) have in his possession any article which has been forbidden by the Superintendent as capable of use as a weapon of offence;
- (l) fail to assist in the maintenance of discipline or give assistance to an officer of the Settlement when called upon to do so in the interests of the institution;
- (m) do or omit to do any act with intent to cause to himself any illness, injury or disability;
- (n) leave without permission the working party to which he is assigned or the part of the premises in which he may be required to be present at any particular time;
- (o) endeavour to escape from the Settlement limits which he is legally required to stay.

Inmates of Settlements to obey the order and conform to Rules.

47. (1) Any breach of these rules on the part of a settler may at the discretion of the Superintendent be dealt with according to the nature of the offence or for other reasons to be recorded in writing in any one or more of the following ways:—

Punishment for Breach of Discipline in Settlement.

- (1) formal warning to be recorded in history sheet;
- (2) confinement in lock-up for a period not exceeding 3 days;
- (3) solitary confinement not exceeding 10 days at a time;
- (4) reduction of wage to half for a period not exceeding one week;
- (5) stoppage of leave during a period not exceeding a year;
- (6) fine not exceeding Rs. 10;
- (7) additional or more arduous work for a period not exceeding seven days;
- (8) requiring him to furnish a bond with or without personal sureties in an amount not exceeding Rs. 50;
- (9) prosecution under rule 58:

Provided that if the Superintendent considers that a particular contravention of the rules should be punished with fine exceeding ten rupees, then he shall refer such case to the Director of Welfare who shall punish contravention with fine not exceeding one hundred rupees.

48. The Superintendent may deal departmentally in any of the ways provided in rule 38 with any settler he considers guilty on a trivial offence of theft, cheating, extortion or receiving or disposing of stolen property (the property in each case being less than Rs. 10), which comes directly to the

Offence which can be dealt with Departmentally.

notice of his Settlement staff or for which investigation has been refused by the Police under the proviso to sub-section (1) of section 157 of the Code of Criminal Procedure, 1973 (Act 2 of 1974) or for which the case has been withdrawn under section 321 of the said Code on condition that the offence is dealt with departmentally, provided that the alleged offender may elect to be tried in Criminal Court.

Rewards for good conduct.

49. The Superintendent may at his discretion reward the habitual offender for good conduct. Such reward shall include—

- (i) exemption from roll call,
- (ii) a liberal grant of passes,
- (iii) promotion to position of responsibility, and
- (iv) permission to sleep in the open during summer.

Director of Welfare may arrange transfer from one Settlement to another.

50. The transfer of settlers from one Settlement to another may be made by the Director of Welfare for administrative reasons or for any other reasons.

Recovery of Fine.

51. The Superintendent shall have power to recover any fine imposed under rule 47 and the amount due from a surety either in a lump sum or by instalments and where there is a wilful default in the payment of the fine or the amount of surety bond, he shall have power to attach and sell the moveable property in the Settlement of the person fined and of the surety, if such surety be a settler.

Attachment of unauthorised Articles.

52. The Superintendent or any member of the staff of the Settlement authorised in this behalf by the Director of Welfare may attach any intoxicant found with any settler without a permit under clause (d) of rule 46 or any betting money or instrument of gaming used for the purpose of gambling. After attachment, an inquiry shall be held by the Superintendent as to the possession of the articles attached. Where the articles attached consist of an intoxicant or do not exceed in value of Rs. 10 the Superintendent shall, after the inquiry, either return the articles to the person appearing to be entitled thereto or order them to be sold and the sale proceeds given to such person or in the case of intoxicants and instruments of gaming order them to be destroyed. In other cases, the Superintendent shall, after the inquiry, forward the articles to the Director of Welfare who may dispose of them in a similar manner.

Bringing of Habitual Offenders to a Settlement.

53. The Superintendent or any member of the Settlement staff authorised in this behalf by the Superintendent or any Police Officer may bring under arrest any habitual offender ordered to be placed in a settlement or who being an inmate of a Settlement is released from custody or imprisonment and may arrest any such person who escapes or attempts to escape from the limits of the Settlement specified under rule 41.

Transfer of Settlers to another Settlement.

54. The Superintendent may report to the Director of Welfare the name of any person residing in a Settlement whose presence in the Settlement he considers to be undesirable. The Director of Welfare may take order of the State Government or the authorised officer for the transfer of such person to another Settlement where he can be placed under strict discipline.

55. (1) A settler may be discharged conditionally on licence by the State Government or the authorised officer if in its or his opinion, such person has given unmistakeable evidence of good conduct and sustained industry, and is not likely to commit an offence again and is capable of maintaining himself and his dependents by honest means and fulfills the following conditions, namely—

Discharge
of a Settler
on Licence.

- (a) The settler has resided in a settlement for not less than one year.
- (b) The settler has not been awarded any disciplinary punishment for serious breach of these rules during six months preceeding the date of discharge.
- (c) The settler has completed the training in the Settlement and a certificate to that effect from the Superintendent is produced.
- (d) The settler has saved at least Rs. 100.
- (e) The guardian or employer or relative of the settler is willing to receive him and gives an assurance that the settler will not be allowed to take to criminal activities and that he shall support the settler or arrange to give the settler an honest means of living and the guardian or employer or relative is also willing to execute a surety bond for such amount as may be fixed by the Director of Welfare.

(2) A settler discharged under sub-rule (1) shall be granted a licence in Form 18.

(3) The period of licence shall not extend beyond the date on which the period of order of restriction expires.

56. (1) A person discharged on licence from a Settlement under rule 55 shall be required to observe the following conditions:—

Conditions
of Licence
granted un-
der Rule 55.

- (a) he shall reside in such place as the Director of Welfare may determine;
- (b) he shall refrain from joining any trade union or political organisation;
- (c) he shall be of good conduct;
- (d) he shall abide by such conditions as to roll call and taking of passes as may be ordered by the Director of Welfare;
- (e) he shall be under the supervision of such local officer or Probation Officer or voluntary social worker as may be appointed in this behalf by the Director of Welfare for the unexpired portion of the period for which he was ordered to receive training in the Settlement.

(2) Failure to comply with any of the conditions mentioned in sub-rule (1) shall, at the discretion of the Director of Welfare, render the discharged settler liable to recommitment to a settlement.

57. (1) The Superintendent may permit any *bona fide* dependent of a settler to reside with him in the Settlement in case of emergency. In all other cases, the Director of Welfare may, if he so desires, permit him to reside in the Settlement:

Voluntary
residents
in settle-
ments.

Provided that before such permission is granted the Director of Welfare shall—

- (i) ascertain by making such enquiries as he deems fit that according to the custom of the community to which the settler belongs, he is responsible for the maintenance of the dependent or dependents

and that the settler and his dependent or dependents cannot suitably live apart, and

- (ii) obtain an undertaking from the settler that the dependent or dependents shall observe the discipline of the Settlement and that the settler shall be responsible for the breach of the provisions of rule 46, specified in sub-rule (2) committed by any of his dependents.

(2) The dependents of the settler shall, so long as they reside in the Settlement, observe the discipline of the settlement and particularly the provisions contained in clauses (d) to (i) and clause (k) of rule 46.

(3) The settler shall exercise proper supervision over his dependents and shall not be an accessory to any breach of the provisions of rule 46 specified in sub-rule (2) committed by any of dependents.

(4) Any breach of the provisions of rule 46 specified in sub-rule (2) by any of the dependents may, at the discretion of the Superintendent, be dealt with as provided in clauses (1) to (9) of rule 47 and the punishment imposed on the settler concerned, if the Superintendent after making the necessary inquiry is satisfied that the settler did not exercise proper supervision over his dependents or that the settler was accessory to the breach.

Explanation.—For the purposes of this rule, dependents means the wife of the settler and his children under 16 years of age.

Penalties for
breach of
rules.

58. Any registered person who contravenes any rule, notice, direction or order made under these Rules, the punishment for which is not otherwise provided for shall be punishable with fine which may extend to one hundred rupees.

Visiting
Committee.

59. (1) For every settlement there shall be a Visiting Committee consisting of the following:—

- (i) the District Magistrate of the district;
- (ii) the District Superintendent of Police;
- (iii) the Civil Surgeon/District Medical Officer;
- (iv) District Welfare Officer;
- (v) Probation Officer;
- (vi) three non-official members to be appointed by the State Government.

(2) The District Magistrate shall be the Chairman, and the Superintendent of the Settlement shall be the *ex-officio* Secretary of the Committee.

(3) A non-official member should ordinarily have experience of social work for at least five years. He should not be less than 30 years and more than 60 years of age. The State Government may, however, relax the provisions of this sub-rule in favour of any person whom the State Government considers suitable for appointment as non-official member of the Committee.

(4) Every non-official member shall hold office for a period of three years from the date of his appointment:

Provided that a non-official member is eligible for re-appointment on the expiry of his period of appointment:

Provided further that the State Government may at any time terminate the appointment of any non-official member before the expiry of his term of appointment without assigning any reason.

Note.—This should be given effect to by means of executive instructions.

60. (1) It shall be the duty of the members of the Visiting Committee:—

Duties of the members of the Visiting Committee.

- (a) to attend quarterly meeting which shall be held in the months of January, April, July and October;
- (b) to inspect all parts of the Settlement and see every settler detained therein with a view to finding out if the settler is benefited by the training to him;
- (c) to visit the Settlement once a month on a date to be fixed by the Chairman after consulting the members.

(2) It shall be the duty of the Visiting Committee:—

- (a) to satisfy itself that necessary measures for discipline, employment and medical care are being taken;
- (b) to give every settler an opportunity of making applications and complaints to it and to enquire into the same;
- (c) to inspect the accounts and other registers and the records of the settlers;
- (d) to consider any other matter concerned with the progress of the settlement and welfare of the settlers.

61. A copy of the proceedings of each meeting of the Visiting Committee and also of the remarks recorded by the members of the Visiting Committee at the time of their visits shall be sent to the Director of Welfare with such remarks as the Superintendent may desire to offer in explanation or otherwise and thereupon the Director of Welfare shall pass such orders as he thinks necessary. The Superintendent shall place a copy of such orders before the Committee in its quarterly meeting or send it to the member making the remarks, as the case may be.

Proceeding of the meetings of the Committee.

62. (1) The State Government may approve or certify any privately managed institution (whether known as a Settlement or otherwise) as a corrective Settlement for the purpose of the Act, on application made on behalf of such institution, subject to the conditions mentioned in sub-rule (2).

Approval of privately managed Institution as a corrective settlement.

(2) The privately managed Settlement approved or certified by the State Government shall abide by the following conditions:—

- (i) a privately managed settlement may at its discretion choose a settler according to its choice. Once it accepts a settler he will not be transferred to another Settlement except on unusual or unexpected circumstances;
- (ii) per capita Re. 1 will be given during the apprenticeship period;
- (iii) a privately managed Settlement should have at least four intra-mural industries with qualified staff to supervise and train;
- (iv) inspection of the privately managed Settlements will be done by the departmental officer with or without notice;
- (v) all the accounts in respect of committee settlers are liable to audit by the department;
- (vi) case sheets of the settlers committed should be properly maintained with due regard to case work of a standard set by the Director of Welfare;

- (vii) the premises of the privately managed Settlement should be maintained clean and tidy;
- (viii) clothing and bedding on the arrival of the inmates should be provided by the privately owned agency ;
- (ix) wages as determined by the Director of Welfare in consultation with privately owned agency should be paid to settlers after the training is over;
- (x) all medical help should be provided by the privately owned agency, during the training period of the settler within the sanctioned per capita grant;
- (xi) all the registers prescribed by the Director of Welfare from time to time should be maintained properly and should be shown to inspecting officers from time to time.

Review of Cases of persons committed to Settlements.

63. (1) The cases of all persons whose movements have been restricted or who are placed in corrective Settlement under this Act shall be reviewed every six months by a Board consisting of the District Magistrate, District Superintendent of Police, District Welfare Officer and Probation Officer. The District Magistrate shall be the Chairman, and the Superintendent of the Settlement shall be the *ex-officio* Secretary of the Board

(2) If the Board considers it advisable or desirable to discharge a settler before the expiry of the term of his training, it may make a suitable recommendation to the State Government or to the officer authorised by it in this behalf.

Building Sheds outside Settlement Prohibited.

64. No habitual offender residing in Corrective Settlement established under section 14, shall build any shed or structure in his premises except that provided by the Government for his residence and the Superintendent may order such shed or structure to be pulled down and recover the cost of doing so from the habitual offender concerned.

Discharge from Settlement.

65. (1) On the expiry of the period of detention, given in the order under sub-sections (1) or (2) of section 15, the habitual offender shall be finally discharged from the Settlement.

(2) If during his stay in the Settlement, the habitual offender is convicted of any offence, he shall be committed to the Settlement on the expiry of the sentence awarded to him on his conviction, to undergo the residue of the period of his detention fixed under section 15.

Repeal and savings.

66. The Punjab Habitual Offenders (Central and Reform) Rules, 1957 as in force in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 (Act 31 of 1966) and the Bombay Habitual Offender Rules, 1960 as extended to areas comprised in Himachal Pradesh immediately before 1st November, 1966, are hereby repealed:

Provided that any order made, notification or direction issued, appointment made or action taken in exercise of the powers conferred by or under the rules hereby repealed, shall be deemed to have been made, issued, done or taken under the corresponding provisions of these rules.

APPENDIX

(Rule 40)

SCALE OF CLOTHING AND BEDDING FOR THE INMATES
OF CORRECTIVE SETTLEMENT

(A) SCALE FOR CLOTHING

(i) WINTER WEAR

<i>Males</i>		<i>Females</i>	
1.	(i) Dasuti Pyjams Two (ii) Kachhas (for Sikhs Two only).	1.	Dasuti pyjamas Two
2.	(i) Dasuti caps Two (ii) Pugrees (for Sikhs Two only).	2.	Dasuti Chaddars Two
3.	Langotas (for non- Two Sikhs only).	3.	Napkins Two
4.	Woollen jersey One	4.	Woollen jersey One
5.	Blanket coat One	5.	Blanket coat One
6.	Kurtas (shirts) Two	6.	Kurtas Two
7.	Towel One	7.	Towel One
8.	Mug (enamelled) One	8.	Mug (enamelled) One
9.	Tin plate (enamelled) One	9.	Tin plate (enamelled) One
10.	Azarbands Two	10.	Azarbands Two

(ii) SUMMER WEAR

1.	(i) Dasuti pyjamas Two (ii) Kachhas (for Sikhs Two only).	1.	Dasuti pujamas Two
2.	(i) Dasuti caps Two (ii) Pugrees (for Sikhs Two only).	2.	Dasuti Chanddars Two
3.	Langotas (for non- Two Sikhs only).	3.	Napkins Two
4.	Kurtas (shirts) Two	4.	Kurtas Two
5.	Mug (enamelled) One	5.	Mug (enamelled) One
6.	Towel One	6.	Towel One
7.	Tin plate (enamelled) One	7.	Tin plate (enamelled) One
8.	Azarbands Two	8.	Azarbands Two

(b) Bedding for both sexes

Winter season

1.	(i) Quilt One (ii) Blankets Four
2.	Munj or Bhabbr mat One
3.	Cotton sheets Two
4.	Cotton durries 6'X2' One
5.	Pillow with cover One

Summer season

1.	Blankets Two
2.	Munj or Bhabbar mat One
2.	Cotton sheets Two
4.	Cotton durries 6x2 One
4.	Pillow with cover One

FORM 1
(Rule 3)

REGISTER OF HABITUAL OFFENDERS RESIDING IN DISTRICT....

Note.—On the permanent transfer of Habitual Offender the entries in this Register will also be transferred to the register of the new District.

1. Serial No. with letters to denote district ..
 2. Name, father's/husband's name with caste ..
 3. Occupation ..
 4. Residence at the time of registration (village, Police Station and district) ..
 5. Date of birth or approximate age, height and marks of identification ..
- BEFORE REGISTRATION (TO BE SHOWN IN RED INK)
6. Convictions:—

S. No.	Name under which convicted	District and court	Date	Section	Sentence	Name of jail in which confined and number on jail register
1	2	3	4	5	6	7

7. No. and date of order—
 - (a) under section 4/section 7 ..
 - (b) under section 11 ..
8. No. and date of order under section 12 ..
9. Area to which movements are restricted or place in which settled (village, Police Station/Post and District) ..
10. Signature of officer/making entries under section 4, 7, or 11 with date ..
11. Subsequent orders with date regarding transfer, cancellation of registration etc. ..
12. Left thumb impression of the person registered ..
13. Serial No. of Finger Print Slip and signature of recorder with date ..
14. Past and present history of the person ..
15. Criminal activities with special reference to case in which suspected ..
16. Place of proposed residence (village, Police Station/Post and district in the case of village and full address in case of town) ..

(ENTRIES TO BE MADE BY THE SUPERINTENDENT OF POLICE)

17. Date and name of district to which transferred ..
18. Name of Settlement where sent with date of despatch ..
19. If put on probation, the date and nature of exemption granted ..
20. Date on which restrictions removed ..
21. Remarks ..

GOVERNMENT OF HIMACHAL PRADESH

FORM 2

(Rule 4)

Whereas it has been reported to me that you....., son of.....caste..... resident of....., district.. .., are a habitual offender within the meaning of section 2 (d) of the Himachal Pradesh Habitual Offenders Act, 1969 (Act No. 8 of 1970), in view of the convictions and sentences mentioned hereafter:—

Offence	Court	Conviction	Sentence
1.			
2.			
3.			
4.			
5.			

Therefore, I,, in exercise of the powers conferred by sections 4/7 of the said Act, hereby require you to—

- (1) appear before the undersigned at..... on..... or any subsequent date to which the proceedings may be adjourned;
- (2) furnish to the undersigned such information as may be necessary to enable me to complete the register under section 3 of the Act; and
- (3) show cause why your name be not entered in register.

GOVERNMENT OF HIMACHAL PRADESH

FORM 3

(Rule 5)

1. Name, parentage and caste etc. ..
2. Notified habitual offender No. ..
3. Figer Prints Bureau serial No. ..
4. Finger Prints—

RIGHT HAND

Thumb	Index finger	Middle finger	Ring finger	Little finger
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LEFT HAND

Thumb	Index finger	Middle finger	Ring finger	Little finger
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5. Photograph ..

6. Foot Prints .. Attached

I certify that the above prints and the photographs were taken in my presence and that they are of the person named above.

*Signature of Recording Officer,
(Designation and date)*

N.B.—To be prepared in Triplicate.

GOVERNMENT OF HIMACHAL PRADESH

FORM 4

(Rule 6)

History sheet of....., *alias*.....
son of....., *alias*.....
caste....., age....., occupation.....
resident of....., Police Station.....
District.....

1. Habitual offenders registered No.
2. Finger Prints Bureau serial No.
3. Identification marks and descriptive particulars
4. Restrictions imposed, if any.
5. Property owned (Give full description with location)
6. Relations
7. Places likely to be visited
8. Previous convictions
9. Past and present history of the person
10. Criminal activities with special reference to the cases in which suspected

*Signature of the official
who prepared the history sheet
(designation and date).*

(Space for recording later entries)

GOVERNMENT OF HIMACHAL PRADESH

FORM 5

(Rule 7)

From The Superintendent of Police.....

To The District Magistrate.....

No..... Dated.....

Subject.—Report for restriction under section 7 of the Himachal Pradesh Habitual Offenders Act, 1969.

Sir,

In forwarding herewith a copy of the entries in the register in Form I, In respect of....., son of.....

of village....., Police Station.....
District....., together with his history sheet and a
memoranda giving information on the marginally noted points, I have
to request that he may be placed under the restrictions under section 7
of the Act.

1. Brief history of the habitual offender, both
past and present
2. Adequacy or otherwise of the ostensible means
of livelihood
3. Criminal activities
4. Grounds in support of the proposed action

Yours faithfully,

Superintendent of Police.

FORM 6

(Rule 8)

Whereas it is proposed that.....
son of....., caste.....
of village....., Police Station.....
District....., registered under the Himachal Pradesh
Habitual Offenders Act, 1969 (Act 8 of 1970), at serial number.....
should be subjected to the provisions of section 7 of the said Act.

Notice is, therefore, hereby given to the said.....
to appear in person before the undersigned at (place)
on (date)..... at (time).....
for the purpose of the enquiry under the said section. The said
will continue so to attend for the purpose of the enquiry until otherwise
directed.

The said.....is further informed that in case
he wilfully avoids service of this notice or wilfully neglects to attend at
the appointed place and at the appointed time the enquiry will be heard
and determined *ex-parte*.

District Magistrate

Magistrate of the 1st Class.

GOVERNMENT OF HIMACHAL PRADESH

FORM 7

(Rule 9)

In exercise of the powers conferred by sub-section 2 of section 7 of the
Himachal Pradesh Habitual Offenders Act, 1969 (Act No. 8 of 1970), after
having been satisfied as to the necessity of making the order below after
an enquiry held by..... in the prescribed manner,

I, District Magistrate....., hereby direct that the habitual offender described in the subjoined schedule shall—

- (a) report himself on..... to.....
....., and
- (b) notify his place of residence and any change or intended change of residence, and any absence or intended absence from his residence to.....

SCHEDULE

Serial No.	..	..
Name, parentage and caste	..	..
Police Station	..	..
District	..	..
Registered No. as habitual offender	..	..

Dated.....

District Magistrate.

GOVERNMENT OF HIMACHAL PRADESH

FORM 8

(Rule 10)

Issued to....., son of....., caste....., of village....., Police Station....., District..... Register No..... a restrictee under sections 7 and 11 of the Himachal Pradesh habitual Offenders Act, 1969 (Act No. 8 of 1970) who has notified his intention to change his residence to village....., Police Station....., District.....

Thumb impression or
Signature of the
Habitual Offender.

Signature of the Officer
Issuing of Departure
Report.

Dated.....

N.B.—To be prepared in quadruplicate.

FORM 9

(Rule 11)

From

The Superintendent of Police,

To

The District Magistrate,

No.

Dated

Subject.—Report for restriction under section 11 of the Himachal Pradesh Habitual Offenders Act, 1969 (Act No. 8 of 1970).

Sir,

I have to request that....., son of....., caste....., resident of....., Police Station..... District....., whose particulars are given below may be restricted under section 11 of the Himachal Pradesh Habitual Offenders Act, 1969, after obtaining Government orders.

Convictions:

Reasons for restriction:

Yours faithfully,

Superintendent of Police.

FORM 10

(Rules 12 and 32)

Whereas it is proposed that....., son of....., caste....., of village....., Police Station..... District....., registered under the Himachal Pradesh Habitual Offenders Act, 1969 (Act No. 8 of 1970) at serial No..... should be subjected to the provisions of section *11/section *15 of the said Act.

Notice is, therefore, hereby given to the said..... to appear in person before the undersigned at (place)..... on (date)..... at (time)..... for the purpose of the enquiry under the said section. The said..... will continue so to attend for the purpose of the enquiry until otherwise directed.

The said.....is further informed that in case he wilfully avoids service of this notice or wilfully neglects to attend at the appointed place and at the appointed time for the enquiry, the enquiry will be heard and determined *ex-parte*,

District Magistrate

Magistrate 1st Class.

*Delete whichever is not required.

GOVERNMENT OF HIMACHAL PRADESH

FORM 11

[(Rule) (13)(1)]

DAY PASS FOR HABITUAL OFFENDERS RESTRICTED UNDER SECTION 11 OF THE HIMACHAL PRADESH HABITUAL OFFENDERS ACT, 1969 (ACT NO. 8 OF 1970)

Serial No.	Date.....	Place.....
Name with registration No. . .	..	..
Father's name	..	..
Caste	..	..
Residence	..	..
Leave-Date/Day.....	From.....	To.....
Place to which the Habitual Offender will go		..

*Signature of the Officer
granting the pass.*

N.B.—To be prepared in duplicate.

GOVERNMENT OF HIMACHAL PRADESH

FORM 12

[(Rule 13)(2)]

PASS OF LEAVE GRANTED TO HABITUAL OFFENDERS RESTRICTED UNDER SECTION 11 OF THE HIMACHAL PRADESH HABITUAL OFFENDERS ACT, 1969 (ACT NO. 8 OF 1970) WHEN THE LEAVE GRANTED IS IN EXCESS OF ONE DAY.

Serial No.

Date.....

Place.....

Name with register No.	Father's name	Caste	Residence	Leave granted
1	2	3	4	5

Route prescribed	Destination	Purpose of the visit	Name, father's name and full particulars of the person or persons with whom the habitual offender will stay at the destination
6	7	8	9

*Signature of the Officer
granting the pass.*

ENDORSEMENT WHILE ON LEAVE

Date of departure on leave	Signature of Headman or officer	Date of endorsement while on leave	Signature of Headman or officer	Date of endorsement while on leave
1	2	3	4	5

Signature of Headman or officer	Date of return to residence	Signature of Headman or officer	Date of pass reaching Police Station	Signature of officer-in charge
6	7	8	9	10

N. B.—To be prepared in triplicate.

FORM 13

(Rule 21)

PERMANENT PASS FOR VISITING BAZAR ETC.

1. Register No. ..
2. Name and father's or husband's name ..
3. Age ..
4. Caste and sub-caste ..
5. Place of nearest bazar ..
6. Days and hours when permitted to visit ..
7. Period of absence sanctioned: From.....to.....
8. Name of the Police Station within whose jurisdiction the person resides ..
9. Left thumb impression of the person granted Pass ..

Date of issue.....

Signature and designation.

GOVERNMENT OF HIMACHAL PRADESH

FORM 14
(Rule 23)

CERTIFICATE OF IDENTITY TO BE GIVEN TO A RESTRICTED PERSON WHO HAS BEEN GIVEN EXEMPTION UNDER RULE 23

- | | | |
|--|-----|----|
| 1. Registered number | .. | .. |
| 2. District | ... | .. |
| 3. Name with <i>aliases</i> , if any | .. | .. |
| 4. Caste | ... | .. |
| 5. Father's/husband's name | ... | .. |
| 6. Descriptive marks of identification with impression of left thumb | .. | .. |
| 7. Place of original residence | .. | .. |
| 8. Date of exemption | .. | .. |
| 9. Nature of exemption | .. | .. |
| 10. Date of final discharge | .. | .. |

Note.—The certificate is granted in accordance with rule 23 of the Himachal Pradesh Habitual Offenders Rules.

- (1) It should be produced on demand by any Police Officer or Magistrate.
- (2) It should not be handed over to any other person for use.
- (3) The holder is bound to give his finger impression if demanded by any officer-in-charge of a Police Station/Police Post.

Date of issue..... *Signature (Designation)*

GOVERNMENT OF HIMACHAL PRADESH

FORM 15
(Rule 24)

- | | | |
|---|-----|----|
| Register No. | .. | .. |
| District | ... | .. |
| Name with <i>aliases</i> with father's name with <i>aliases</i> | .. | .. |
| Age | .. | .. |
| Identification marks | .. | .. |
| Left-hand thumb impression | .. | .. |
| Photo | ... | .. |

Record of restrictions etc., imposed under the Himachal Pradesh Habitual Offenders Act, 1969 (Act No. 8 of 1970):

*Signature of issuing officer
with date.*

Loss of Identification Roll to be noted here.

Note.—The photograph shall be crossed with the signature of the issuing authority and shall also bear his seal, (if he has any).

FORM 16

(Rules 254 and 26)

TRANSFER PROPOSAL UNDER SECTIONS 8, 11 & 12 OF THE
HIMACHAL PRADESH HABITUAL OFFENDERS ACT, 1969
(ACT NO. 8 OF 1970)

1. Registered No. of Habitual Offender ..
2. Name with parentage and caste of person to be recommended
3. Village and Police Station to which he is restricted
4. No. and date of order
5. Brief reason for his transfer
6. Proposals for transfer—

- (a) within the same District
- (b) in the other District

7. Remarks of—

- (a) Superintendent of Police
- (b) District Magistrate

Dated.....

Signature with designation.

FORM 17

(Rule 42)

PASS PERMITTING A SETTLER TO LEAVE THE LIMITS OF
SETTLEMENT

1. Name of person to whom pass is granted ..
2. Registration No.
3. Village or settlement
4. Police Station
5. District
6. Period for which pass is valid From.....To.....
7. Name of the village or Settlement to which he is permitted to go
8. Name of the person to whose house he is going
9. Purpose of journey
10. Places at which he must report on the way..
11. Time or times at which he should give roll call
12. Authority before whom he should give roll call

Date.....

*Signature of the officer
granting the pass.*

(On the reverse of the pass)

Village or Settlement	Date and hour of report of arrival	Date and hour of report of departure	Signature of the person to whom the holder has reported himself

FORM 18

(Rule 55)

LICENCE DISCHARGING A SETTLER CONDITIONALLY

Name ..

Caste ..

Registration No..... may be discharged from.....
 settlement under the provision of rule 55 of the
 Himachal Pradesh Habitual Offenders Rules, provided he accepts the
 following conditions during the period of licence which shall be valid
 up to.....

(a) He shall reside at..... Village,.....
 Tehsil..... District.

(b) He shall refrain from joining any trade union or political organisation.

(c) He will be of good conduct.

(d) He will give weekly roll call on Friday before the incharge of the Police Station/Police Post or other person appointed for this purpose.

(e) He will notify whenever he intends to be absent from his place of residence for the night to the officer-in-charge of the Police Station/Police Post in the same way as other restricted persons living in the area are required to do. (For sanction to move beyond the limits of the above district the Superintendent of settlement may give him a pass valid up to six months. The Director of Welfare or the District Superintendent of Police may give such pass for any period.)

In the event of the breach of any of the above conditions of which the Director of Welfare shall be the sole judge, the settler shall be liable to be replaced in a Settlement by the Director of Welfare, the discharge on the licence being cancelled.

The period of licence with date from the time the settler moves from the limits of the Settlement to reside in the above village after accepting the above conditions.

Date.....

Secretary to the State Government.

The above conditions have been read over to me and I accept them.

Signature of settler.

Explained by me and accepted by him.

*Signature of Superintendent,
Settlement.*

He left the Settlement limits to remain in the above village on.....

Superintendent of Settlement.

By order,
R. C. GUPTA,
Secretary.

